

**NOTICE OF APPEAL**  
FROM THE EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES

Docket Number (Optional)  
(EWE-3)

Certificate of EFS Filing Under 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted via the EFS to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: October 15, 2009

Name: Michael S. Gzybowski

Signature /Michael S. Gzybowski/ Reg. No. 32,816

In re Application of Chor Ee EWE

Application No.  
**10/571,749**

Filed  
**March 13, 2006**

For THERMAL HERBAL APPLICATOR

Art  
Unit  
**9836**  
**1655**

Confirmation No.  
**9836**

Examiner  
**Qiuwen Mi**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **\$540.00**

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is Reduced by half, and the resulting fee is: **\$**
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 23-1925.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public.**

Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

I am the:

Applicant/Inventor.

/Michael S. Gzybowski/ Reg. No. 32,816

Signature

Assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

Michael S. Gzybowski

Typed or Printed Name

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Attorney or agent acting under 37 CFR 1.34.

Registration No. if acting under 37 CFR 1.34. \_\_\_\_\_.

October 15, 2009

Date

\*Total of \_\_\_\_\_ forms are submitted.